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THE OBSERVATOR.

The Obſervator's *Vindication.*

From **Tueſday** October the 24th, to **Thurſday** October the 26th, 1704.

Country-m. MAſter *Obſervator*, don't Pout; perhaps you may have an Honeſt Jury. Tho' you have many Enemies, you have ſome Friends, and thoſe of the Honeſteſt ſort.

Obſ. Friends or Enemies is not the Caſe, 'tis the Juſtice of my Cauſe is what I depend upon: If any one will Damn himſelf to find me Guilty, he is Welcome; and I'll aſſure you I would have no Man Injure his Conſcience to Acquit me: Men have been often Puniſhed for Speaking and Writing the Truth, and as long as I do not ſuffer as an Evil Doer I am Content: The Liberties of my Country, I will defend to the laſt Drop of my Blood; and the Glorious Cauſe of Truth will I maintain with the very Stump of my Pen.

Now, Honeſt *Country-man*, to give you a true Sight of my Caſe, I muſt refer you to the Charge againſt me in the Information, *That I did Falſly, Maliciouſly and Seditiouſly Write a Libel call'd the* Obſervator, *to the Diſturbance of the Peace and Tranquility of this Kingdom of* England, *to the great Scandal and Reproach of our Lady the Queen, and Her Government, and againſt the Peace of our Lady, now Queen, and Her Crown and Dignity*, &c. *and that I am a Seditious Perſon, and a Dayly Inventer and Publiſher of Falſe Novelties, and of Horrible and Falſe Lies, and a perpetual Diſturber of the Peace*, &c.

Now we muſt conſider the Charge, and whether any of theſe Articles do come up to Falſe, Seditious, Malicious, &c. as Charged in the Information. When a Perſon is Proſecuted for things of this Nature, if upon Statute, the Proſecutors muſt come up to the Words of the Statute; if at common Law, it muſt be proved what is Falſe, Malicious, Seditious, and tending to the Diſturbance of the Peace of the Kingdom, and againſt Her Majeſties Crown and Dignity.

For a thing may be Falſe, and no Libel, and Malicious, yet not with Intent to roule *Diſcord* and *Sedition*. Our News Papers often relate Falſe Stories; they report Noblemen to be Dead one Week, that come to Court the next; yet theſe Papers have never been eſteemed Libels or Seditious, and have never been forbidden by the Government.

And as the Deſign and Reaſon of my Writing was to Countermine the Deſigns of the Enemies of the Government, in their Libels againſt the Queens Right to the Crown, the Rights of the Kingdom, and the *Hannover* Succeſſion. If I have quoted any part of thoſe Books, it cannot be eſteemed Libellous, Seditious or Falſe, for ſuch Books have been Printed and Publiſhed; there has been no Publick Notice given by Authority, that ſuch Books ſhould not be Read; and thoſe Books being Dear, and not likely to come to all Hands, the Dangerous Tenents in them that tend to the Diſturbance of the Realm, are Printed in the *Obſervator*, with the Antidote againſt the Poiſon therein contained, to let the People know who are our Enemies, that they may the better Unite in Defence of the Queen and Realm; and certainly this cannot be eſteemed *Seditious, with Intent*, &c.

At the latter end of King *Charles* II. Doctor *Stillingfleet* Employ'd Mr. *Cogen*, a Miniſter (who underſtood *High* and *Low Dutch*, *French* and *Spaniſh*) to Tranſlate the *French Miſſionary Dragoon*, or the *Perſecutions of the* French Proteſtants.

The *French* Ambaſſador prevail'd to get ſome of the Books Burnt, and got Mr. *Cogen* to be Indicted at the *Kings-Bench Bar*. He was directed by his Council to Plead *Not Guilty*, and being a Poor Man was bid not to trouble himſelf about his Fine.

But being unwilling to deny the Truth, he Conſulted with a Friend how to Behave himſelf. At Tryal he was asked *Guilty, or not Guilty*, his Council ſaid for him *Not Guilty*, Twice: The Judge bid him ſpeak for himſelf he ſaid *Guilty*, at which the Lawyers were Enraged, ſat Mute, and let him ſhift for himſelf.

The Judge ask'd him *Why, for what Reaſon, he Tranſlated that Book?* Mr. *Cogen* produc'd the Kings Speech, and His Proclamation, in Favour of the *French* Refugees, and told the Judge *That he Tranſlated that Book to ſet forth the Oppreſſions of the* French Proteſtants, *and that His Majeſties Subjects might be more Charitable, and effectually Anſwer His Majeſties Proclamation.* Whereunto the Judge ſaid, *I take it for a very good Reaſon, unleſs any one can ſay His Majeſty did not put out ſuch a Proclamation.*

So have I Written in Defence of Her Majeſties Title to the Crown, the Rights of the People, the *Hannover* Succeſſion, and in Vindication of the Biſhops, againſt the *Jacobites* and *Nonjurors*. Her Majeſty has forbid none of Her People to Write on theſe Subjects or in Vindication of theſe Rights and Titles, and I can produce an Act of Parliament, to which Her Majeſty gave Her Royal Conſent, making it High Treaſon to Write or Speak againſt the *Hannover* Succeſſion, which I take to be a good Reaſon why I am not Guilty of the Charge againſt me, as laid in the Information. And if paſſable in others it cannot be *Seditious* in my Paper.

In Papers queſtioned as Libels, the Scope is to be taken, not the Words, for if the Scope is not to be conſider'd, the Party may make it any thing. It is a hard Caſe that a Perſon ſhall Forfeit his Freedom, Loſe his Reputation, and be Undone himſelf and Family, meerly for the ſake of a Word, which perhaps is Falſe Printed, or Falſe Spelt, or at beſt not intended as it is taken. I would by no means have my Writings explain'd like the *Delphic* Oracles, turn'd to the

Fancy

Fancy of him that Reads 'em; and would not have one Paragraph or Sentence pitch'd upon to make it *Seditious*, *Malicious*, &c. for the Scope and Design of the Paper cannot be known by picking of Sentences. If you cut out a piece from the middle of a Yard or Ell, while that piece is gone you can't tell what Measure it was, but when that piece and the two Ends are joined together, you'll know the true Inches of its length, and this I hope my Jurors will do by my Paper.

A Malicious, Seditious, &c. Traiterous Intent in Writing, is best Discovered by the Effects of that Writing. And if so, wherein is the Government damaged by any one *Observator*, what Traiterous or Seditious Effects has it manifested? The Intent to raise Sedition does not appear from the Paper, Where are the ill Consequences? What one Man has been seduced by it from his Allegiance? And how many thousands has it Confirm'd in their Loyalty to the Queen and Government? How many Publick Frauds has the Author Detected; and how many Cheats have been kept in Awe by the Paper?

If there had been any Seditious or Treasonable Intent in the Writing and Publishing of these Papers, the Effects would have appeared before this time. One Article in the Information is taken from the Paper of 30th of *May*, 1702, and had there been any Seditious Intent in that Paper, certainly it would have appear'd ere now; and why should a Seditious Intent at that time not bring the Author to Tryal before the 4th of *November*, 1704?

Country-m. Master *Observator*, I am sorry that your Tryal is ordered for the 4th of *November*.

Obs. Prithee why so?

Country-m. Because it is the Birth-Day of King *William*, and I intended that you and I and our *Joan* should that Night have Carous'd in *October*, in Commemoration of that Glorious Heroe, who Deliver'd *England* from *Popery* and *Slavery*; who was the Common Father of the Free People of *Europe*; and, under God, procured us a *Protestant* Queen to Succeed him; and if you are Cast I must go Home and Cry.

Obs. The better Day, the better Deed. I have Vindicated the Revolution, and what Day then so proper to Try me upon as the Birth-Day of that Prince, which was the Cause of the Revolution, and the very Day before the Revolution began, which was the 5th of *November*.

Country m. If you, and some other Gentlemen, had not been concerned in the Revolution, I am satisfy'd we never should have had Queen *ANN* on the Throne.

Obs. That's true enough: But yet you see those that Write against the Revolution, either *Papists* or *Nonjurors*, pass with Impunity, and I am Prosecuted. Now it seems to me the greatest Contradiction in the World, that a Man of Revolution Principles can ever be an **Enemy** to Queen *ANNE*, who is the *Queen of the Revolution*.

Country-m. That's true enough: But, Master, ought not the Jury to consider whether or no the Prosecution be *Malicious*, if they believe in their Consciences 'tis Malicious, they ought to Acquit the Person Prosecuted.

Obs. Have a care what you say.

Country-m. I know no Prosecutor but *Robin Hog*. I don't trouble my Head about the great Men at Court, and when I have mentioned Prosecutors I meant him and none else, he Boasting it has been only in his Power. But *I* call to mind the Proceedings: How, when you sent the Names of your Bail, in order to your Surrender, that *Robin Hog* was sent to enquire after them; and that he told in the Neighbourhood, that it was a dangerous thing for any Body to be *Bail* for you, and made as if such Persons would be esteemed as Enemies to the Government. Now is this Fair?

Obs. It was not esteemed so in some Reigns.

Country-m. And then you know when you came to give in your *Bail* at *Whitehall*, after you had waited five or six Hours, *Robin Hog* told you that you must put by your Sword, that the Secretary of State had Order'd it. And so you were carried up a *Prisoner*, tho' you surrender'd your self.

Obs. Perhaps the Secretary gave no such Order.

Country-m. And then you know you were bound to appear at Term, under the Penalty of 1000 *l.* your self in 500, and your Sureties in 250 *l.* each, when I am told formerly such things have been *Bail'd* in the *Crown-Office*, at 40 *l.* the two Sureties.

Obs. The Lords and Commons in Convention, Assembled, did give for Reason why they plac'd the Crown on the Head of King *William*, that in the preceding Reign, *Excessive Bail had been required*.

Country-m. And the said *Robin Hog*, did not long since say *That he had a Warrant against you, and that he had stopt all the Ports, so that you could not go beyond Sea*, when it was a Cursed Lye, and he had no Warrant.

Obs. I am Bely'd every Day in the Week.

Country-m. And the said *Robin Hog*, did say this last Week in *Exchange-Alley*, that he had got a parcel of Roaring Boys for you now, meaning the Jury; and that in a short time he would have you in that Neighbourhood, meaning the Pillory at the *Exchange*; and *Robin* always speaks in the Plural Number, We will Pillory him.

Obs. Robin once told me that he Governed the Secretaries of State, but I must have a *Jury* and *Judge*, and am not to receive Sentence from Minister *Hog*.—— The next time we meet we'll Talk further, at present Adieu.

The Reader is desired to take Notice that the Observator *will be Published three times a Week, only for this Week, and afterwards on the same Days as usual.*

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